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**Attorneys for Debtor, Mountain Divide, LLC**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

**In Re:** )  
                    )  
                    ) Case No. 16-61015  
**MOUNTAIN DIVIDE, LLC,** )  
                    )  
                    ) MOTION TO CHANGE DIVISION  
**Debtor.**       )  
                    )  
                    )

**COMES NOW**, Mountain Divide, LLC (“Mountain Divide” or “Debtor”) in the above-entitled case, by and through counsel and respectfully requests the Court enter an Order changing the division in this case. In support of this Motion, Debtor states as follows:

1. Debtor filed a Petition under Chapter 11 of the U.S. Bankruptcy Code on October 14, 2016.
2. Debtor is a Montana limited liability company.

3. Debtor has offices in Cut Bank, Montana, as well as in Billings, Montana.

4. While not specifically related to the transfer between divisions of the Bankruptcy Court, venue transfer is governed by F.R.B.P. 1014, and §1412 which permits the transfer of a case to another venue if the transfer is “in the best interests of justice or for the convenience of the parties.” Factors to be considered in determining whether to change venue include:

- i. proximity of creditors to the court;
- ii. proximity of Debtor to the court;
- iii. the location of witnesses necessary to the administration of the estate;
- iv. location of Debtor’s assets;
- v. the ability to conduct an economical and efficient administration of the estate in the forum; and
- vi. the existence of any ‘intentional relationships’ between the instant Debtor and their affiliates or other Debtor before the court.

*In re Sundance*, 84 B.R. 699, 701 (Bankr. D. Mont. 1988).

5. Addressing the factors enumerated in *Sundance*, transferring this case to the Billings Division is in the best interests of justice and is for the convenience of the parties.

6. Many of Debtor’s creditors have maintained offices in Billings, or are located in Eastern Montana, Wyoming, or other states.

7. Debtor’s counsel, the senior lender’s local counsel, and Debtor’s accountants are located in Billings. Transfer of this case to the Billings Division

will result in lower costs of administration, particularly for professional fees. Additionally, travel expenses for witnesses and professionals is significantly less, and there is greater carrier access to the Billings Division.

8. Debtor's petroleum engineer is located in Billings and is a principal witness regarding the valuation of Debtor's properties.

9. Debtor's primary financial and accounting records are maintained and kept in its Billings office. The Debtor's Controller resides in Billings. The transfer of this case to the Billings Division would be more convenient for the Debtor in that its Controller is a critical, primary financial records custodian of the Debtor and will likely be required to participate in the Section 341 meeting of creditors.

10. Debtor maintains a bank account at First Interstate Bank in Billings and its main computer server equipment is located in Billings.

11. Debtor's senior lender, Wells Fargo, consents to changing the division of this case to the Billings Division.

12. Many of Debtor's creditors, Debtor's counsel, and key participants in the administration of this estate are in Billings, or closer to Billings than Great Falls. Thus, transferring this case to the Billings Division will allow for a more economical and efficient administration of the estate.

**WHEREFORE**, Mountain Divide respectfully requests that the Court enter an Order transferring this case to the Billings Division.

**DATED** this 14<sup>th</sup> day of October, 2016.

**GUTHALS, HUNNES & REUSS, P.C.  
P.O. Box 1977  
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/s/ Jeffery A. Hunnes  
Attorneys for Debtor